

## REMARKS

Applicants have amended claims 1, 3 and 9 without changing claim scope so as to help the Examiner's understanding of the claims. Applicants thank the Examiner for indicating allowable subject matter.

Claims 1, 3, 7 and 9 have been objected to because the expressions "the switching device" and "the predetermined voltage" are used in the claims to refer to the preceding expressions "a switching circuit device" and "a predetermined constant voltage," respectively. Applicants believe that persons skilled in the art would understand what these expressions mean based on the claim language without reciting fully the preceding expressions. However, applicants have amended the claims to recite fully the preceding expressions so that the Examiner would easily recognize the recitation of those expressions. Applicants have not amended claim 7 despite the Examiner's suggestion to do so because the invention of claims 7-15 is directed to a "switching device," not a "switching circuit device" as the Examiner contends, and none of claims 7-15 recites a "switching circuit device."

Claims 1 and 7 have been provisionally rejected under the judiciary created doctrine of obviousness-type double patenting as unpatentable over claims 1, 13 and 21-25 of copending Application No. 10/073,364, now U.S. Patent No. 6,657,266. This rejection is overcome because applicants submit a terminal disclaimer under 37 CFR 1.321(c) with this amendment.

In light of the above, a Notice of Allowance is solicited.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge

the cost of such petitions and/or other fees due in connection with the filing of this document to

Deposit Account No. 03-1952, referencing Docket No. 492322002800.

Respectfully submitted,

Dated: January 7, 2004

By:



Barry E. Bretschneider  
Registration No. 28,055

Morrison & Foerster <sup>LLP</sup>  
1650 Tysons Boulevard, Suite 300  
McLean, VA 22102-3915  
Telephone: (703) 760-7743  
Facsimile: (703) 760-7777